



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,325	01/30/2002	Stuart Young	ARL 02-12	6149

7590 03/01/2004

US ARMY RESEARCH LABORATORY
ATTN: AMSRL-CS-CC-IP
2800 POWDER MIU ROAD
ADELPHI, MD 20783-1197

EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT	PAPER NUMBER
----------	--------------

2835

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No. 10/058,325	Applicant(s) YOUNG ET AL.	
	Examiner Michael V Datskovskiy	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 15-21 and 31-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Regarding to the Restriction made in the previous Office Action:
During a telephone conversation with Mr. William Adams, Reg.No. 32552, on 01/21/2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-14 and 22-30. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-21 and 31-39 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2835

3. Claims 4, 9, 23 and 24, along with dependent on them claims 5-8, 10-14, 25-30, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 4 claims an air flow apparatus including filters, fans and vents; claims 9 and 23 claim a wire housing system constructed to prevent said wire from vibration; claim 24 claims brackets constructed to stabilize components and to prevent their vibration. None of these structural elements was shown in the drawings or described in the specification in a way allowing understanding how they perform such functions.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 and claims 2-14 as being dependent on claim 1, are also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitation "said base" in line 12. There is insufficient antecedent basis for this limitation in the claim. (A "base" first appears in the claim 4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2835

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soupert et al in view of Tracewell.

Claim 22 is extremely broad. Generally it claims an electric cabinet (platform) having a removable side access panels, which is very well known in the art. Soupert et al teach a system for attaching a plurality of apparatuses and sensor devices, comprising: an upper portion, a first side, a second side, a front portion and a back portion constructed so as to form a platform, said apparatuses and said sensors inherently comprising at least one component and at least one wire; and said first and said second sides each comprising a panel. Soupert et al do not teach said panels being removable to allow access into an inner portion of said platform. Tracewell et al teach an electronic enclosure 10 comprising a plurality of side removable access panels 26. It would have been obvious to one skilled in the art at the time invention was made to employ removable side panels as they are shown by Tracewell et al in the device by Soupert et al in order to facilitate assembly and maintenance of the device. Regarding to the claims 24-25: Official Notes is taken that using support structures preventing supported components from vibration are well known in the art, and being claimed without any structural description or definition do not provide patentable weight to the claims.

Allowable Subject Matter

8. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

9. Claims 2-14 and 26-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first and second paragraphs, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: Said platform further comprising a support mechanism comprising a catch, a rod and a safety cable.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sadowsky et al (US Patent 5,940,346); Blad et al (US Patent 6,336,544); Hanley (US Patent 6,671,582); Byrne et al (US Patent 6,687,571); Lotz (US Patent 5,056,331); Weber (US Patent 5,491,670) and Wilcox et al (US Patent Des. 413,551).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Patent Examiner

Michael Datskovsky

A handwritten signature in black ink, appearing to read "Michael Datskovsky", written in a cursive style.

February 12, 2004.